CITY of ELGIN
COUNCIL MINUTES FOR APRIL 14, 1998

COUNCILORS PRESENT- Kevin Cooper
Pat McMullen
John Stover
Berta Churchill
Leroy Short
Rick Smith - Mayor

Call to Order
The meeting was called to order at 7 pm by Mayor Rick Smith.

Approval of Minutes
The Mayor called for approval of the minutes of the meeting of March 10, 1998. Councilor Churchill moved to approve the minutes as presented, with Councilor McMullen as second. The vote was unanimous for approval, motion carried.

Supervisors Reports
The Mayor called for the supervisors reports.

Police- Chief Sibley; absent, no report.
Public works- Kyle Boylen; absent, no report.

Library- Sandra Good reported that the library board has completed a review of their policies and a technology plan. She presented these to the Council for review and approval. The Council took no action at this time, but will consider approval of the policies at the next meeting.

Mrs. Good requested permission to donate the surplus Apple computer system to Union County ESD. Councilor Stover moved to approve the donation of the Apple computer hardware to the ESD, with Councilor McMullen as second. The vote was unanimous for approval, motion carried.

Fire- Chief McDonald; absent, no report.
Ambulance- Merle Laci; absent, no report.

Municipal Court- Ralph Howell presented the monthly court report, noting that there had been a variety of cases.

Recorder/Administrator- Joe Garlitz, no report.

Citizens to Speak

Jennifer Smith was present to address the Council regarding the location of the police reserved parking. She stated that she was concerned that the parking being in the middle of the block, was an inconvenience to the public using the Opera House and the City meeting rooms. It is not obvious that this area is a reserved area until one has pulled into the space. This necessitates having to back out into the traffic flow, which is heavy at these times. She suggested that the reserved parking be moved to either end of the block or moved to Baltimore where it is more convenient to the policemen and their patrons, as well as the general public.

In the ensuing discussion, the Councilors were concerned that they had not been involved in the decision as to where the reserved parking should be located. Councilor Short stated that the Public Safety Committee would review the matter and bring it back to the Council at the next meeting.

Hearings:

7:15 Tom Craig lot partition.

Tom and Dorothy Craig have submitted an application to partition a residential lot. The property is located on the south side of Carolyn Terrace between 15th and 16th Avenues; tax lot 1N 39 15BA #1800. The lot is approximately 100'x 200'. It is proposed to partition the lot to create two lots, each approximately 100'x 100'. The property is zoned Residential-I allowing a single family residence on a lot of at least 5,000 square feet and a duplex on a lot of at least 6,000 sq.ft. The east half of the lot is developed with a duplex,

the west half of the lot has a pre-existing substandard trailer house.

Mayor Smith opened the hearing in regard to this partition. No one was present to testify on this matter. The hearing was closed. After due consideration, Councilor McMullen moved approved the partition per the application, recognizing that the lots created by the partition are subject to the requirements of the zoning ordinance and other applicable conditions of the City of Elgin Code, with Councilor Stover as second. The vote was unanimous for approval, motion carried.

7:20 Street Vacation, White Street

Mayor Smith opened the hearing in the matter of the vacation of White Street. Notice of the proposed vacation has been posted on the street and published in the Elgin Recorder as required by ORS chapter 271. No one was present to offer testimony. The hearing was closed. After discussion Councilor Churchill moved to vacate the remaining in portion of White Street from N. 17th eastward, with Councilor McMullen as second. The vote was unanimous for approval, motion carried. (An ordinance will be prepared for the Council to consider at its next meeting.)

Citizens to Speak (continued)

Ray McVey was present to address the Council. Mr. McVey noted that the City had budgeted $600 for the Elgin 2010 strategic planning activities. On behalf of the planning committee, he was asking for this money. It was noted that the money had been budgeted for grant writing and coordination of economic development activities. Councilor Cooper moved to release the $600 to Elgin 2010 as requested, with Councilor McMullen as second. The vote was unanimous for approval, motion carried.

Mr. McVey stated that the Hunaha Park design engineer, Rod McKee, had requested a supplemental payment of about $8,000. Mr. McKee had reassessed the work he had performed, on contract, for the City and realized that he had invested a significant amount of resources beyond the contract price. Mr McVey noted that the engineer had not met his contractual deadlines, and had not indicated that the work would exceed the contracted amount until the work was completed. Mr. McKee was present and stated that he felt obligated to inform the Council that the value of the work provided exceeded the contract price by a substantial amount. He stated that his request for additional payment was based on the good faith of the City and its ability to supplement the contract, as the Council saw fit. Mayor Smith took the matter under advisement, asking to receive a copy of Mr. McKee's letter to 2010. The Council will review this during its budget hearings.

7:30 Street Vacation, N 17th & Beverly Terrace

The property owners in the vicinity of N. 17th and the west end of Beverly Terrace requested that the Council consider vacation of the undeveloped portions of these streets. The streets in question intersect and were considered together. Notice of the proposed vacation has been posted on the streets and published in the Elgin Recorder as required by ORS chapter 271.

Mayor Smith opened the hearing regarding these proposed vacations. Pat Pattee was present to recommend vacation of the undeveloped portion of N. 17th. He stated that prior development had crowded the right-of-way and would make it difficult to construct a proper street on this right-of-way.

Jack and Georgia Shaffer were present to recommend the vacation of the undeveloped portion of Beverly Terrace from 16th Street west to the City Limits. They were not in favor of vacating N. 17th Street.

Elgin T.V. Association submitted a letter in opposition to the vacation of both streets, stating that development of tax lots 2000, 2001 and 2200 would require access for utilities within these street rights-of-way. The City Public Works Director also submitted a letter stating that vacation of Beverly Terrace would restrict access for water and sewer for development of these lots. Mayor Smith closed the hearing.

In discussion it was noted that there was the possibility of developing as many as 6 residential lots that would front on this portion of Beverly Terrace and could be accessed by N. 17th Street. Council Short noted that this property belonged to the Shaffer's and it would be to their detriment only, if Beverly Terrace was vacated. After discussion, Councilor McMullen moved to deny the

vacation of both streets, with Councilor Cooper as second. Councilors McMullen, Cooper, Churchill and Stover voted in favor of the motion, with Mayor Smith and Councilor Short voting in opposition, motion carried. Mayor Smith requested that a copy of the governing ORS be provided to him.

7:40 Chuck Beickle, lot partition.

Chuck and Kathy Beickle have made application for a minor partition of a residential lot. The property is zoned Residential-I, allowing a single family residence on a lot of at least 5,000 square feet and a duplex on at least 6,000 sq.ft. The property is located at the Northwest corner of the intersection of Hartford and N.15th; tax lot 1N 39 10C #101. The lot is approximately 150'x 136'. The proposed partition will create two lots each 150'x 68', more or less.

The existing lot has been approved as a single family dwelling lot. Foundations have been constructed for a manufactured home and a garage, however no further construction has been done. The proposed partition would require removal of the foundations.

Mayor Smith opened the hearing in this matter. No one was present to testify for or against the proposed partition. Art Rhodes was present to represent the applicant. Mr. Rhodes noted that the existing lots was more than adequate to provide two large residential lots. He also noted that water and sewer were available for development. The hearing was closed.

After due consideration, Councilor McMullen moved to grant the partition as requested, noting that the lots created by this partition are subject to the provisions of the Residential-I zone, and other applicable conditions of the City of Elgin Code. Councilor Cooper was second to the motion. The vote was unanimous in favor, motion carried.

Citizens to Speak (continued)

Elgin Ministerial Association Pastors were present to address the Council. Pastor Fred Laeger expressed concern about underage use of tobacco. He has witnessed adults providing tobacco to teenagers and has seen young people using tobacco all around town. The pastors are concern about this from several levels; 1st the danger to the health of the youth involved and 2nd the degraded civic attitude fostered by disregard for the law.

The pastors are asking that the community find some way to curtail tobacco and alcohol use by our young people. They suggested that the City use its resources to encourage responsible action by the young people, their parents and the adults in the community.

8:50 Councilor Churchill left the meeting at this time.

Mayor Smith commented that this is a problem that concerns the whole community and needs a broad support from the schools, the parents and the general public. Pastor Laeger offered the support of the Ministerial Association and the member churches. Jennifer Smith offered the support of the high school SADD club.

Mayor Smith suggested that the juvenile authorities, the District Judge, the Sheriff and Police Chief be asked to meet with the Council in this regard at the next meeting.

Ron Brand was present to speak in regard to the restrooms planned at the downtown park. Since the City owns the property, it will be the agent requesting a building permit. Also the City Council will have to authorize water and sewer hookups to the restrooms.

Councilor Cooper moved to request the La Grande Building Department to waive the permit fee, with Councilor Short as second. The vote was unanimous for approval, motion carried. Councilor Cooper moved to authorize the Public Works Department to provide water and sewer hookups to service the restroooms, with Councilor McMullen as second. The vote was unanimous for approval, motion carried. The issue of on-going maintenance will be addressed at a later meeting.

Fred Laeger requested that S.11th be graded out as street maintenance was being done around town. Mr. Garlitz stated that as soon as the weather and work schedule allowed, that all the gravel streets would be graded out.

Terry Tollefson asked about the possibility of getting a new water service line that would tap the main directly in front of his house. It was noted that if this item was to be expedited it would require that a contractor be hired by the affected property owners. The Public Works work schedule would not permit this work in the near future.

Committee Reports
The Mayor then called for the committee reports.

Administration: Councilors Cooper and Stover reported that the bills had been reviewed. Councilor Stover further noted that the school zone signs in the vicinity of the high school had not yet been installed, nor had the "double fines" in school zone been installed. The Councilors will contact the Police Department in this matter.

It was also noted that there were some bad pot holes in the chip seal that need immediate attention.

There was a discussion regarding the need to update our personnel policies. After discussion it was agreed that this would be addressed in the budget review.

Public Works: Councilor McMullen and Churchill, no report.

Public Safety: Councilor Short, no report.

Old Business
Appointment to fill councilor vacancy

No one had any nominations for the vacant Councilor position. The Mayor had ben approached by someone interested, and had been asked to come to this meeting but did not show up. The Councilors will continue to seek a proper candidate.

New Business
Transfer site burn pile, DEQ prohibition of clean lumber

DEQ recently inspected the transfer site. The inspection noted a few minor items that needed attention. However, the inspector reported that lumber was not permitted to be burnt in the burn pile. The permit allowed only brush and tree trimmings to be burned. In discussion, it was noted that "clean" lumber was certainly more "burnable" than green vegetation. The Councilors asked that the permit language be obtained, and that the Council investigate the latitude afforded by the permit, as well as looking at other possible options. It was a consensus of the Council that allowing a burn pile but prohibiting "clean lumber" make for a very difficult situation at the transfer site.

Letter of interest, revolving fund loan for water system study

Anderson Perry has prepared a letter of interest for the City in the matter of a revolving loan-fund loan. The loan would be for a water system study, especially investigating possible options for storage on the low pressure side of the system. After discussion Councilor Short moved to authorize the Administrator's signature on the letter of interest, with Councilor McMullen as second. The vote was unanimous for approval, motion carried.

Open sidewalk bids

Two bids have been received for the construction of a sidewalk around the south side of the new office. Lauricella Construction bid $1,870 and Strickland Construction bid $1,700. After consideration of the bids and the need for the project Councilor Cooper moved to accept Strickland's bid of $1,700, with Councilor Short as second. The vote was unanimous for approval, motion carried.

Appointment of Budget Committee members

Councilor McMullen stated that Susan McMurdo said she would consider serving on the budget committee. She had been previously appoint for just a year to fill a vacant position. Cass Lisk was in attendance. He indicated that he would be willing to serve on the committee. No one else had made any contacts in this matter. Councilor Stover moved to appoint Susan McMurdo and

Cass Lisk to the open positions on the Budget Committee, with Councilor Short as second. The vote was unanimous for approval, motion carried.

Correspondence

Lloyd Clark, re. rock wall at 10th & Detroit

Mr. Clark has submitted a letter protesting the construction of a rock retaining wall at 10th and Detroit on the property of Cass Lisk. Mr. Clark is alleging that the wall presents an undue danger to children and is a traffic hazard.

Mr. Garlitz informed the Council that he had requested both the Police Chief and the Public Works Director to investigate the allegation. Neither department has any safety concerns for the retaining wall. The Public Works Director has noted that the wall does encroach into the street right-of-way on 10th street by 5 to 10 feet, but, this does not present any immediate problem and does not, at present, limit the public use of the roadway. Mr. Lisk has been informed that in the future, if the area is required for public use, he will be required to move the wall.

Chief Sibely did not see any traffic or other danger associated with the wall. Councilor Stover noted that he has inspected the wall. He sees no reason, at this time, to require the wall to be removed.

After further discussion Councilor Cooper moved to state that the City Council has reviewed the complaint of Mr. Clark and has found no threat to the public safety or convenience that, at this time, requires remedial action of the City, with Councilor Stover as second. The vote was unanimous for approval, motion carried.

Valley Insurance, re. agent of record

Art Rhodes of Valley Insurance has submitted a letter requesting to be considered as the City's Agent of Record of insurance matters. Mr. Rhodes was present at this time. He discussed the role of an agent of record with the Council and traced out the City's history in this regard. After discussion, Mayor Smith requested the Administrator to advertize for an agent of record for the City, and to present the proposals to the Council, for consideration at the next meeting.

Oregon Donor Program, re. promotion of the organ donor program.

No action was taken.

Good of the Order

Unemployment payments for currently employed personnel

The State Employment Division has billed the City for unemployment payments for Jeff Luse. Mr. Luse has been laid off at Boise Cascade and is subsequently eligible to receive unemployment benefits.

Since the City of Elgin is an employer of Mr. Luse, the law requires the City to make a proportionate payment to Mr. Luse's unemployment benefits. This is a reasonable and just requirement, provided Mr. Luse is no longer working for the City and has been terminated for reasons that allow him to receive unemployment benefits. However, Mr. Luse is still employed with the City in the same capacity that he has always been employed.

ORS 657.471 would apparently relieve the City of payments for unemployment benefits as long as Mr. Luse remains employed at his normal amount, however some obtuse provision of ORS 657.504-505 removes the City from this protection.

Mr. Garlitz stated that he has had lengthy phone conversations with the Division's personnel, but to no avail. Their position is that the law is the law.

Wes Hare, as city administrator in Oakridge, was required to pay unemployment for a stipend paid by the city to a volunteer fireman, even though the fireman remain in the department and continued to receive the stipend. Councilor Cooper related a similar situation wherein his church was required to pay unemployment for a part-time church employee that continued to be employed by the church.

This is obviously not an isolated situation, but has not been dealt with, possibly because it involves a small amount of money and affects only small municipalities and non-profit organizations. The issue was discussed with

Representative Simmons, who has expressed an interest in working to correct the problem. Mr. Garlitz noted that Governor Kitzhaber had stated, last wednesday evening in La Grande, that democracy depends on the informed consent of the governed. He told the Councilors that he was informing them of the situation in order to obtain their consent.

After considered discussion, Councilor Stover moved to refuse payment of the unemployment charges as unjust and an inappropriate expenditure of public funds, with Councilor Cooper as second. The vote was unanimous for approval, motion carried.

This matter was referred back to the Administrator, to seek a remedy through the political process.

Approve Bills

Councilor Cooper moved to approve the bills as presented, with Councilor McMullen as second. The vote was unanimous for approval, motion carried.

Mayor Smith recessed the meeting for an executive session per, ORS 192.660, regarding contract requirements for Hunaha Park.

Mayor Smith reconvened the meeting, no action was necessary as a result of the executive discussion.

Councilor Cooper moved to adjourn, with Councilor Stover as second. The vote was unanimous for approval, motion carried.

Minutes respectfully submitted;

Joe Garlitz,
Recorder/Administrator

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